## REMARKS

This paper is filed in response to the Final Office Action mailed October 9, 2007. Claims 7-14 remain in the application and have been finally rejected. Reconsideration of the application is requested in view of the above amendments and the following remarks. It is urged that the above amendment should be entered because it (i) is responsive to the Examiner's rejections; and (ii) creates no new issues; and (iii) places the application in better condition for allowance or appeal.

## REJECTIONS UNDER 35 USC § 101

Claims 11-14 were rejected under Section 101 on the basis that the term "system" as used in the claims does not explicitly or implicitly or inherently relate to a machine. Applicants strongly disagree because the entire specification relates to data structures including those of the type which can be implemented in Extensible Markup Language which, as is commonly known, is a programming language that is executed on a machine. If the Examiner is aware of any information to the contrary, such should be made of record in an Advisory Action. Nonetheless, applicants have amended claims 7 and 11 to more expressly reference that which is clearly understood from the specification and the claims. As noted at Par [0005] of the published specification, "the type and element name used in the relevant schema" is preserved. The Examiner is requested to recognize that in order for a system to preserve information there must be a tangible form of that information, e.g., such as provided in a computer-readable medium. Further, it is not seen how the Examiner could possibly disagree as to the plain fact that compatibility issues between schema (see Par [0003]) relate to object-oriented software development which results in programmable code for execution on a machine. Thus, the claims have been amended to more expressly state what one skilled in the art would otherwise infer, and these amendments do not in any way introduce any new matter. Nor do the amendments, which more expressly relate the subject matter to operation in conjunction with a machine, create any new issues. For all of these reasons the rejections under Section 101 should be withdrawn.

## REJECTIONS UNDER 35 USC § 103

The Final Office Action now rejects all of the pending claims under Section 103 based on U.S. 6,990,513 (Belfiore) in view of Lim ((2004/0064826). Based on the following remarks, and further amendment to claim 7, Applicants respectfully request allowance of the claims.

In response to the amendment filed 11/30/2007 the rejection is on new grounds, arguing that all pieces of the claimed subject matter exist in the combination of references. Applicants respectfully disagree.

With regard to independent claims 7 and 11, the rejection acknowledges that Belfiore does not teach maintaining "the namespace, type names, and element names of each version of the schema independent of the version." See page 6 of the office action. However, in relying upon Lim for such disclosure, the rejection seems to gloss over the nexus between this subject matter and the claimed results. See, for example, claim 11 which requires that, with respect to

"accepting without change into the new version unexpanded types or elements used in the old version, the foregoing combination ... [enables] the old version of the schema to interpret data structures of the new version of the schema, and thereby [provides] ... downward compatibility between the new and old versions."

There is no such relationship taught or suggested by the Examiner's combination. Furthermore, the rejection does not even "find" the missing subject matter in Lim. That is, the former rejection under Section 102 was withdrawn and the rejection under Section 103 was created in order to combine features which are not present in Belfiore. However, the Lim reference does not compensate for this deficiency. Rather, the rejection merely cites (see page 6 of the office action) Lim for teaching various peripheral concepts, e.g., a standardized way of specifying data types, or an ability to specify constraints, but none of the citations disclose the "missing" subject matter which is only present in the claims. Again, claim 11 requires

"accepting without change into the new version unexpanded types or elements used in the old version, the foregoing combination ... thereby providing downward compatibility between the new and old versions."

As a minimum, to reject the claims under Section 103, every feature recited in the claims must be found in the prior art. In the present rejection, two features are lacking. Lim does not disclose underlying features which the Examiner relies upon to formulate the rejection, i.e., maintaining "the namespace, type names, and element names of each version of the schema independent of the version." Nor does Lim suggest using such features for the claimed "downward compatibility."

Another deficiency overlooked in the rejection is that Belfiore is relied on for teaching "backward compatibility" which is not defined. Applicant recites "downward compatibility" which is defined in the specification at Par. [0003] as when "data of a new schema of which the content corresponds to structures of the old schema is correct as regards an old schema ..." There is no basis to establish that this is what is meant by "backward compatibility" in Belfiore. Furthermore, even if it were the same, the Examiner would have to reconstruct the references in order to create applicant's invention. This is because there is no indication that Belfiore's purported "backward compatibility" would rely upon

"maintaining the namespace, type names, and element names of each version of the schema independent of the version ..." See claim 7.

or

"accepting without change into the new version unexpanded types or elements used in the old version, the foregoing combination ... thereby providing downward compatibility between the new and old versions." See claim 11.

Thus the Belfiore reference must be reconstructed from whatever method Belfiore uses for "backward compatibility" to recreate applicants' "downward compatibility." In the past it was only possible to use cross versions of documents with a converter which changes the older version into a correct-compatible newer version. The Examiner is requested to review the prior response filed 30 November 2007 (see page 5) because the Belfiore reference is consistent with the prior art and actually does not relate to the invention. The reference does not provide for compatibility between new and old versions of a schema that are used for defining structures of

object and/or data models. As described at col. 12, lines 34 – 46, the Belfiore reference addresses a situation wherein a user desires to use data from multiple applications and data sources to create, for example, reports, and wherein the data associated with the different sources is found in completely different formats. Thus is still another reason why the combination is defective.

The rejection is in error and the Examiner is requested to allow the application. If the Examiner disagrees the Examiner is requested to fully address every deficiency identified in this response.

Conclusion

Much of the argument presented in the response filed 30 November 2007 remains relevant to the new grounds of rejection and the Examiner is requested to reconsider that argument. This response presents new argument that is also responsive to the Examiner's new grounds of rejection. The Examiner is requested to consider the several deficiencies present in the Belfiore reference and the combination of Belfiore in view of Lim.

It is respectfully submitted that for all of these reasons the claims are patentable over the prior art and the application is in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: _____4/18/08_____          By: _____
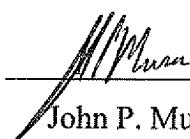
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